

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CEDRIC ANTHONY, et al.,)
)
Plaintiffs,)
)
v.)
)
AMERIQUEST MORTGAGE)
COMPANY,)
)
Defendant.)

ORDER

This matter is before the Court on the plaintiffs' motion to stay. (Doc. 7). The defendant has filed a response, (Doc. 12), and the motion is ripe for resolution.

Because counsel for both sides are also counsel in *Boudin v. Residential Essentials, LLC*, Civ. No. 07-0018-WS-C and *Dortch v. Ameriquest Mortgage Company*, Civ. No. 07-0530-WS-B, neither can profess ignorance of the Court's expectations on such a motion. Nevertheless, neither side has invested appreciable resources to this issue. The plaintiffs simply point to the conditional transfer order and assert without amplification that '[n]o prejudice will result to any party by the granting of the stay.' (Doc. 7 at 1). The defendant responds only that the burden is on the plaintiffs to justify a stay and that judicial economy is not served by delaying ruling on its motion to dismiss when the plaintiffs' claims "are clearly time-barred ... on the face of the Complaint." (Doc. 13 at 3).

The defendant's argument is curious, given that its motion to dismiss relies, not just on the complaint, but on 15 exhibits, while the plaintiffs rely on five. (Docs. 6, 12, 14). Moreover, as in *Boudin* and *Dortch*, the correct resolution of the motion is far from obvious and would require the Court to become versed in half a dozen procedural and substantive issues. Nor is there any suggestion that the issues raised by the parties have

not been, and will not be, addressed by the MDL Court in other transferred cases. The defendant cannot avoid a stay in such a situation simply by noting, however correctly, the skeletal nature of the plaintiff's motion.

For the reasons set forth above, the motion to stay is **granted**. This action is **stayed** pending transfer to the MDL Court or further order of this Court.

DONE and ORDERED this 4th day of October, 2007.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE